

SURFACE TRANSPORTATION BOARD

ORDER OF PRESIDING ADMINISTRATIVE LAW JUDGE REGARDING DISCOVERY

Docket No. AB 167 (Sub-No. 1189X)

CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—IN  
HUDSON COUNTY, NJ

Docket No. AB 55 (Sub-No. 686X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE OF SERVICE EXEMPTION—IN  
HUDSON COUNTY, NJ

Docket No. AB 290 (Sub-No. 306X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE  
EXEMPTION—IN HUDSON COUNTY, NJ

Decided: October 11, 2016

On October 5, 2016, the LLC Intervenor<sup>1</sup> (LLCs) filed replies in opposition to the Motion for Sanctions Against James Riffin for Failure to Respond to Discovery (Document) Requests (Motion for Sanctions) and the Motion to Compel Discovery from the LLCs (Motion to Compel) filed by the City of Jersey City, Rails to Trails Conservancy, and Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition (collectively, City et al.). Additionally, the LLCs filed concurrently, in its reply in opposition to the Motion to Compel, a Cross-Motion for Sanctions pursuant to 49 C.F.R. § 1114.21(c) (Cross-Motion for Sanctions).

The Board has signed a Memorandum of Understanding with the Federal Energy Regulatory Commission (FERC) to employ the services of FERC administrative law judges (ALJs) on a case-by-case basis to perform discrete, Board-assigned functions such as adjudicating discovery disputes between parties in cases pending before the Board.

By a decision served on July 5, 2016, the Board assigned and authorized Administrative Law Judge John P. Dring of the FERC to entertain and rule upon discovery matters and to resolve all disputes concerning discovery in these proceedings. Any questions pertaining to this

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<sup>1</sup> The LLC Intervenor<sup>1</sup> are 212 Marin Boulevard, LLC, 247 Manila Avenue, LLC, 280 Erie Street, LLC, 317 Jersey Avenue, LLC, 354 Cole Street, LLC, 389 Monmouth Street, LLC, 415 Brunswick Street, LLC, and 446 Newark Avenue, LLC.

discovery proceeding should be direct to Judge Dring's law clerk, Carlos Clemente, who may be contacted at (202) 502-8392 or Carlos.Clemente@ferc.gov.

It is ordered:

1. The oral arguments scheduled for October 24, 2016 will address LLCs' replies to the Motion to Compel and Motion for Sanctions and LLC's Cross-Motion for Sanctions. Additionally, any motion or reply filed prior to October 24, 2016 that may relate to City et al.'s outstanding Motion to Compel and related motions will also be considered. It is reiterated that the oral arguments are scheduled for Monday, October 24, 2016, beginning at 10:00 a.m. in a hearing room to be designated at the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. The oral arguments will be held on the record. All parties to this dispute are directed to attend.

2. This decision is effective on its service date.

By the Board, John P. Dring, Administrative Law Judge.